

United States District Court

for

Middle District of Alabama

Request for Modifying the Conditions or Term of Supervision with Consent of the Offender

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Paul Brandon Sweatt

Case Number: 2:07cr274-MHT
(Formerly ND/FL #3:02cr103-004-LAC)

Name of Sentencing Judicial Officer: The Honorable Lacey A. Collier, U.S. District Judge

Date of Original Sentence: April 22, 2003

Original Offense: Conspiracy to Possess With Intent to Distribute 500 Grams or More of Cocaine

Original Sentence: 24 months custody with four (4) years supervised release

Type of Supervision: Supervised Release

Date Supervision Commenced: January 19, 2005

Assistant U.S. Attorney: Nathan Stump

Defense Attorney: Aliya McKee

PETITIONING THE COURT

- ☐ To extend the term of supervision for __ years, for a total term of __ years.
- ☒ To modify the conditions of supervision as follows and dismiss the pending petition requesting revocation (Doc. No. 8):

"The defendant shall participate in the Home Confinement Program for a period of six (6) months to begin at a time designated by the probation officer. During this time, the defendant will remain at his place of residence except for employment and other activities approved in advance by the probation officer. The defendant will maintain a telephone at his residence, without a modem, "call forwarding", "Caller ID", "call waiting", or portable cordless telephones, for the above period. At the direction of the probation officer, the defendant shall wear an electronic monitoring device and follow electronic procedures specified by the probation officer."

"The defendant is prohibited from possessing or using any type of alcoholic beverage until the expiration of his supervised release term."

CAUSE

On or about March 11, 2008, Paul Brandon Sweatt was arrested by an officer with the Prattville Police Department for Driving Under the Influence. Additionally, he was cited for Improper Lane Usage. An officer with the Prattville Police Department and an Alabama state trooper measured Paul Brandon Sweatt's alcohol level via a field testing instrument and determined it to register .086%. A breath analyzer administered to Sweatt at the jail in Prattville resulted in his alcohol level measuring .06%. This is the offender's second citation of this nature within a five-month time frame.

As a result of the new arrest, the probation officer respectfully asks the court to modify the offender's terms and conditions of supervised release as indicated above. Paul Brandon Sweatt has agreed to this proposed modification and a signed copy of his waiver has been attached to this report. The probation officer also respectfully requests that the court verbally admonish the offender for his noncompliant behavior due to the significant risk of harm to the public that this type of behavior creates.

Respectfully submitted,

by /s/ Daphne P. Willcox
U.S. Probation Officer
Date: April 8, 2008

Reviewed and approved: /s/ David Ron Thweatt
Supervisory U.S. Probation Officer

**UNITED STATES DISTRICT COURT
for the
MIDDLE DISTRICT OF ALABAMA**

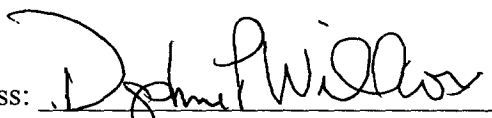
Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision

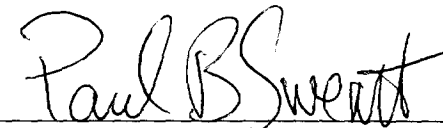
I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By 'assistance of counsel', I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

"The defendant shall participate in the Home Confinement Program for a period of six (6) months to begin at a time designated by the probation officer. During this time, the defendant will remain at his place of residence except for employment and other activities approved in advance by the probation officer. The defendant will maintain a telephone at his residence, without a modem, "call forwarding", "Caller ID", "call waiting", or portable cordless telephones, for the above period. At the direction of the probation officer, the defendant shall wear an electronic monitoring device and follow electronic procedures specified by the probation officer."

"The defendant is prohibited from possessing or using any type of alcoholic beverage until the expiration of his supervised release term."

Witness: 
U.S. Probation Officer

Signed: 
Probationer or Supervised Releasee

4-9-2008
DATE